

REMARKS

Claims 7 and 8 have been cancelled. Claims 1, 26, and 34 have been amended to clarify the subject matter regarded as the invention. Claims 1, 3-5, 9-13, 26, and 30-46 are pending.

The cancellation of claims 7 and 8 is believed to render moot the rejection of said claims under 35 USC 112. Claim 26 has been amended to recite a “tangible computer readable storage medium” which excludes a “carrier wave” and the amendment to claim 26 therefore is believed to overcome the rejection under 35 USC 101.

The Examiner has rejected claims 1, 3-5, 9-13, 26, and 30-46 under 35 USC 102(b) as being anticipated by Colligan (US 6,298,443).

The rejection is respectfully traversed. With respect to independent claims 1, 26, and 34, Colligan teaches formatting a hard drive to clear the hard drive of all data, prior to restoring an image to the hard drive, to ensure there is no malicious data such as a virus on the hard disk prior to restoring the image. Colligan, col. 9, lines 11-18. Erasing data from a hard disk prior to restoring an image to the disk is not the same as “scanning data comprising the computer image” as recited in claims 1, 26, and 34, because erasing data from a destination, such as a disk drive, to which an image is to be restored, is not the same as scanning the image itself, as recited in the claims.

Claims 3-5, 9-13 and 30-33 depend from claim 1 and are believed to be allowable for the same reasons described above. Likewise, claims 35-46 depend from claim 34 and are believed to be allowable for the same reasons described above.

The foregoing amendments are not to be taken as an admission of unpatentability of any of the claims prior to the amendments.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,

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